

change Senate precedent on how nominations are considered in the Senate and effectively change the procedures or application of the Senate's rules.

How many votes are required to appeal the ruling of the Chair in this instance?

The PRESIDENT pro tempore. A majority of those Senators voting, a quorum being present, is required.

Mr. MCCONNELL. So I am correct that overturning the ruling of the Chair requires a simple majority vote?

The PRESIDENT pro tempore. The Senator from Kentucky is correct.

The majority leader has appealed from the decision of the Chair.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. REID. I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 242 Ex.]

#### YEAS—48

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Pryor
Chambliss	Hoeven	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Scott
Collins	Johnson (WI)	Sessions
Corker	Kirk	Shelby
Cornyn	Lee	Thune
Crapo	Levin	Toomey
Cruz	Manchin	Vitter
Enzi	McCain	Wicker

#### NAYS—52

Baldwin	Hagan	Nelson
Baucus	Harkin	Reed
Begich	Heinrich	Reid
Bennet	Heitkamp	Rockefeller
Blumenthal	Hirono	Sanders
Booker	Johnson (SD)	Schatz
Boxer	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Markey	Udall (NM)
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

The PRESIDENT pro tempore. The decision of the Chair is not sustained.

The Republican leader.

#### APPEALING RULING OF THE CHAIR

Mr. MCCONNELL. Mr. President, I make a point of order that nominations are fully debatable under the rules of the Senate unless three-fifths of the Senators chosen and sworn have voted to bring debate to a close. Under the precedent just set by the Senate, cloture is invoked at a majority. Therefore, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair has not yet ruled.

Under the precedent set by the Senate today, November 21, 2013, the threshold for cloture on nominations, not including those to the Supreme Court of the United States, is now a majority. That is the ruling of the Chair.

Mr. MCCONNELL. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDENT pro tempore. The Republican leader appeals the decision of the Chair.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 243 Ex.]

#### YEAS—52

Baldwin	Hagan	Nelson
Baucus	Harkin	Reed
Begich	Heinrich	Reid
Bennet	Heitkamp	Rockefeller
Blumenthal	Hirono	Sanders
Booker	Johnson (SD)	Schatz
Boxer	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Markey	Udall (NM)
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

#### NAYS—48

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Pryor
Chambliss	Hoeven	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Scott
Collins	Johnson (WI)	Sessions
Corker	Kirk	Shelby
Cornyn	Lee	Thune
Crapo	Levin	Toomey
Cruz	Manchin	Vitter
Enzi	McCain	Wicker

The PRESIDENT pro tempore. The Senate sustains the decision of the Chair.

The majority leader.

Mr. REID. Mr. President, what is the pending question before the Senate?

#### CLOTURE MOTION

The PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie Hirono, Angus S. King, Jr., Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal.

The PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CHAMBLISS (when his name was called). Present.

Mr. HATCH (when his name was called). Present.

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 244 Ex.]

#### YEAS—55

Baldwin	Harkin	Nelson
Baucus	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

#### NAYS—43

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
Cruz	McConnell	
Enzi	Moran	

#### ANSWERED "PRESENT"—2

Chambliss Hatch

The PRESIDENT pro tempore. Upon reconsideration, the motion is agreed to.

#### EXECUTIVE SESSION

NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Resumed

The PRESIDENT pro tempore. The Senator from Iowa.